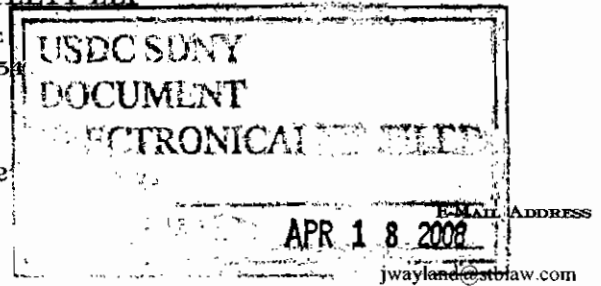


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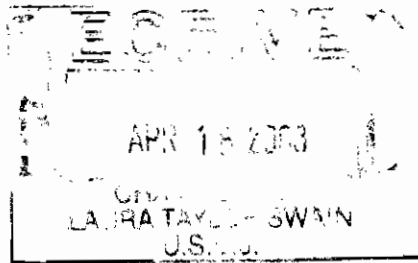
BY HAND DELIVERY

MEMO ENDORSED

April 17, 2008

Re: Haywood County, Tennessee v. Bank of America, N.A. et al., (08 Civ. 3002) (LTS) (JCF)

The Honorable Laura T. Swain
Federal District Judge
United States District Court
Southern District of New York
United States Courthouse
500 Pearl St., Room 755
New York, N.Y. 10007



Dear Judge Swain:

We represent JPMorgan Chase & Co. in connection with the above referenced case.¹ We write to request that the Court amend the Initial Conference Order dated April 14, 2008 (the "Initial Conference Order") to adjourn the date of the initial conference. Specifically, we request that the Court postpone the initial conference pending a determination by the Judicial Panel on Multidistrict Litigation (the "MDL Panel") concerning the proper venue for this suit. It is our understanding that eight of the nine

¹ JPMorgan Chase & Co. has yet to be served with a complaint in this suit. In submitting this application, JPMorgan Chase & Co. reserves all defenses in this suit, including defenses and objections based on personal jurisdiction and lack of proper service of process.

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April 17, 2008

defendants named in this action join in this application.² In addition, we have conferred with counsel for plaintiff who takes no position on this request.

The above-referenced case is an alleged antitrust action against numerous corporate defendants. Another similar suit is pending before your Honor in the Southern District of New York,³ and two other related cases are pending in the District Court for the District of Columbia.⁴ There is currently pending before the MDL Panel a motion to transfer and consolidate these cases to the District Court for the District of Columbia.⁵ To our knowledge all of the parties in the several suits agree that transfer and consolidation of these actions in one district is appropriate. The sole disagreement is the relevant forum – the District of Columbia or New York.

In an order dated April 2, 2008, the Court scheduled an initial conference in the related action, *Hinds County, Mississippi v. Wachovia Bank, N.A., et al.*, S.D.N.Y. No. 08-CV-2516 (LTS). By letter dated April 8, 2008, the parties to the *Hinds County* action requested adjournment of the initial scheduling conference due to the pendency of the MDL proceeding. On April 10, 2008, this Court granted that request for an adjournment. For the

² We do not presently know who represents the one remaining defendant, Feld Winters Financial, LLC, and therefore have been unable to contact them regarding this request.

³ See *Hinds County, Mississippi v. Wachovia Bank, N.A., et al.*, S.D.N.Y. No. 08-CV-2516 (LTS).

⁴ See *Fairfax County, Virginia et al. v. Wachovia Bank, N.A. et al.*, D.D.C. Case No. 1:08-cv-00432 (JR); *Fairfax County, Virginia et al. v. Bank of America N.A.*, D.D.C. Case No. 1:08-cv-00433 (JR).

⁵ See Plaintiff Fairfax County, Virginia's Revised Notice of Motion and Motion for Transfer of Related Actions to the District of Columbia Pursuant to 28 U.S.C. § 1407 for Consolidated Pretrial Proceedings.

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same reasons, we respectfully request that the initial scheduling conference in the above-reference action be adjourned.

As we noted previously, the purpose of a Multidistrict Litigation transfer is to conserve judicial resources, in part by preventing premature and potentially wasteful judicial action. *See, e.g., In re Computervision Corp. Secs. Litig.*, 814 F. Supp. 85, 86 (J.P.M.L. 1993) (centralization and transfer is necessary to “prevent inconsistent pretrial rulings . . . and conserve the resources of the parties, their counsel and the judiciary.”). Until the MDL Panel makes its determination concerning the appropriate venue of this case, an initial conference would be premature and wasteful of this Court’s valuable resources. For example, if the MDL Panel transfers all cases to the District Court for the District of Columbia, there would be no need for any conference. Alternatively, if the MDL Panel determines that the Southern District of New York is the proper venue, this Court would then need to revisit any orders or deadlines that might otherwise be set at the currently scheduled conference.

Thus, defendants request that the Court amend its Initial Conference Order to adjourn the currently scheduled June 20, 2008 conference date pending the MDL Panel’s determination of the proper venue for this suit.

The June 20, 2008 conference date is adjourned pending further order of the Court.

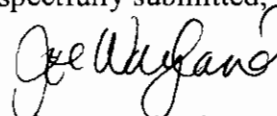
SO ORDERED.

 4/18/08

LAURA TAYLOR SWAIN, U.S.D.J.

cc: All counsel on attached service list

Respectfully submitted,



Joseph F. Wayland

J.L.F.